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10 *Attorneys for Plaintiffs Timothy DuFour and*  
*Kenneth Tanner, on their own behalves*  
*and on behalf of all others similarly situated,*  
11

12 **IN THE UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
13 **SAN FRANCISCO DIVISION**

14 TIMOTHY DuFOUR and KENNETH  
TANNER, individuals, on their own behalves  
15 and on behalf of all others similarly situated,

16 Plaintiffs,

17 v.

18 BE., LLC, DYNAMIC SHOWCASES, LLC,  
California limited liability companies,  
19 MONTEREY FINANCIAL SERVICES, INC.,  
MTS HOLDINGS GROUP, INC., California  
20 corporations, 1901 CO., a Nevada corporation,  
BE MARKETING LIMITED, a private limited  
21 company registered in England and Wales,  
ERIK DeSANDO, BARRY FALCK, JACOB  
22 STEINBECK, VITALY RASHKOVAN, and  
DOES 1-100, inclusive,

23 Defendants.  
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26  
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No. 09-03770-CRB

Judge Charles R. Breyer

**PROOF OF SERVICE**

**PROOF OF SERVICE**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 15233 Valleyheart Drive, Sherman Oaks, California 91403.

On October 9, 2009, I served the documents described as:

**DECLARATION OF TIMOTHY DuFOUR IN SUPPORT OF PRELIMINARY INJUNCTION**

**DECLARATION OF KENNETH TANNER IN SUPPORT OF PRELIMINARY INJUNCTION**

**DECLARATION OF ETHAN PRESTON IN SUPPORT OF PRELIMINARY INJUNCTION**

**NOTICE OF MOTION; MOTION FOR PRELIMINARY INJUNCTION; NOTICE OF LODGING PROPOSED ORDER**

**NOTICE OF MOTION; MOTION FOR LEAVE TO FILE OVERSIZE BRIEF PURSUANT TO CIVIL LOCAL RULE 7-11**

**DECLARATION OF ETHAN PRESTON IN SUPPORT OF PRELIMINARY INJUNCTION**

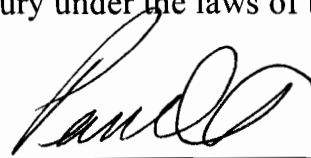
on interested parties in this action by placing ( ) the original (x) a true copy thereof enclosed in a sealed envelope (except for those emailed) addressed as follows:

1 **SEE SERVICE LIST FOR PERSONS SERVED AND METHOD OF SERVICE**

2  
3 **[x]** (BY MAIL) I am "readily familiar" with the firm's practice of collection and  
4 processing correspondences for mailing. Under that practice it would be  
5 deposited with the U.S. Postal Service on that same day with postage  
6 thereon fully prepaid at Los Angeles, California in the ordinary course of  
7 business. I am aware that on motion of the party served, service is  
8 presumed invalid if postal cancellation date or postage meter date is more  
9 than one day after date of deposit for mailing in affidavit.

10 Executed on October 9, 2009, at Sherman Oaks, California.

11  
12 I declare under penalty of perjury under the laws of the State of California that  
13 the above is true and correct.

14 

15  
16 Paul D. Ostroski

*DuFour v. Be., LLC, et al.***SERVICE LIST**

|  |   |
|--|---|
| Barry Falck<br>5512 Oakfen Court<br>Agoura Hills, California 91301                               | Monterey Financial Services, Inc.<br>4095 Avenida de la Plata<br>Oceanside, California 92056            |
| Dynamic Showcases, LLC<br>21215 Burbank Boulevard, Suite 400<br>Woodland Hills, California 91367 | Be Marketing Limited<br>57 Woody Close, Delves Lane<br>County Durham<br>Consett DH8 7HN, United Kingdom |
| Be., LLC<br>2029 Century Park East, Suite 900<br>Los Angeles, California 90067                   |   |